

DEPARTMENT OF CORRECTIONS
PRISON ISSUES BOARD
Helena, MT
December 6, 2011

Roll Call, DOC Director Mike Ferriter, Patrick Smith – Chairman of the Board, MSP/Warden Leroy Kirkegard, MSP/DW Ross Swanson, MWP/Warden Jo Acton, CCC/Warden Martin Frink, , MCE/Administrator Gayle Lambert, GFRP/AW Roger Handa

Via Vision Net – DCCF/Warden Tom Green

There is a quorum present.

“In accordance with Montana Code Annotated Section 2-3-103(1), the Board will hold a public comment period. Please note that this open forum period for comment is the public’s opportunity to address the Board on any topic that is within the purview of the Board. While the Board may or may not take action on the issues presented, the Board will listen to comments, may respond to questions, may ask that particular questions, or comments be submitted in writing, and may ask that the issue be placed on a subsequent agenda for possible discussion by the Board. The Chairman of the Board will determine the amount of time allotted for public comment.”

“Pursuant to Montana Law, the Chairman may decide to hold a meeting or part of a meeting in executive session due to interests of individual privacy, or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if disclosure of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility.”

The minutes from the last meeting were offered to be approved. DW Swanson moved to approve the minutes. Warden Frink seconded the motion. All approved.

Welcome and Introductions

In addition to the above people, the following were present;

Louis Peterson, Wayne Bye, Dale Henrichs, Sam Casey, Billie Reich, Kristy Cobban, Sheri Schurr – Legislative Services

Public;

Barbara Rose, Zana Westfield, Valerie Close, Sharon Close, and Carol Deschon

Legislative and Management Team Updates – Director Ferriter

There is a new management team member – Warden Kirkegard. Warden Kirkegard is the new warden at MSP. He has given Warden Kirkegard a list of things to accomplish in the next few months.

Other issues – Legislatively there are a few interim committees coming up. The Director has been out of state. He was asked to serve as a moderator on a panel on privatization. There are some State Legislators that think privatizing is the way to cut budgets. This affects inmate populations. Florida and Ohio are going in this direction. Arizona has 600 contracts. Most of their medical and food services are contracted out. Iowa has no contracts and everything is done in the traditional way.

The Director is going to a meeting in DC tomorrow. The theme of the meeting will be “Re-Entry Efforts”. California is seeing an amazing influx of change. The recidivism rate in California was 55% last year. A majority of this was PV’s. New York is another big system undergoing changes. 40% of the inmates in New York are drug offenders. The national average for sex offenders is 30%. North Dakota has a sex offender treatment center that is

a commune type setting. The offenders work in the community. They have to come to this location at night. They house the offenders in modular homes.

Division Updates/EPP – Deputy Warden Ross Swanson

DW Swanson was happy to have Warden Kirkegard on board. He is trying to get him updated on all the areas and programs. Warden Kirkegard spent the last 20 years in Las Vegas. He was born and raised in Montana. It was very important to come home to Montana. He spent two days in Helena meeting the Management Team. He has been touring the facility and meeting everyone.

Everyone is aware of the Mail and Correspondence Policy. It is going into affect the 12th. Inmate Re-Entry is being worked on. There is a work group for this at MSP. They are looking at the system as a whole. There are things we do well, and things we can do better.

Sam Casey said they are looking at assessment tools now. They are looking for a case management plan to help assess the inmate needs. Gayle Lambert said it is very important to bring all agencies together. This is not just a corrections issue. It is a whole community issue. Warden Acton said it is key to get the inmates to buy into the program early on.

One of the things being worked on for the next Legislative Session is our executive planning. What do we need to look at adjusting as we go forward - Correctional Officer staffing, relief factors and long range building projects are a few. There will be some discussion regarding law changes such as cell phones in facilities.

The Director said the cell phone issue is huge. Not just here, but other states as well. We have reason to be concerned.

Legal Issues and Updates – Colleen Ambrose

Colleen Ambrose said there was not much as far as legal updates. She has been meeting with the people at the other facilities regarding updating the legal computers and making sure the inmates have the required access to legal computers. We will have to update the computers because they are over five years old. Some of the computers at MSP are newer, so they don't need to be updated. We also need to look at how to maintain the computers.

We won a jury trial in Federal Court regarding a claim of excessive use of force regarding pat searches. There is another pending case that is similar. We had a claim for some clarification on the Administrative Rules regarding sex offenders. The appeal was denied.

Most of the recent rulings have come in favorable to the department.

Correspondence, Publications and Religious Items – Deputy Warden Swanson

The Correspondence Policy is out there. The new policy has a disapproved magazine list. We will have a committee that will review magazines that will potentially be on the disapproved magazine list.

As mailrooms receive things that look to be outside the policy, they will be reviewed by the committee. The policy addresses things that we have seen in grievances. There are a lot of things there that are in favor of the inmates and will make things easier and clear-cut for our mailroom staff. The grievance process is there for the inmates.

Warden Acton asked how facilities add to the disapproved magazine list. DW Swanson answered they would bring the magazine to the committee for the decision to add to the list. Billie Reich said having the committee will take some pressure off the mailroom staff.

Gayle Lambert said the Canteen is still looking at having single sale issues available on the canteen. They are not there yet, as they are still looking for a vendor.

Pat Smith said he would make sure to keep MCE in the loop regarding what magazines are allowed.

Colleen Ambrose said this policy has been signed by the DW Swanson. There was quite a bit of complaints from the inmates initially, but they changed the policy after soliciting comments from the inmate population.

DW Swanson said they also looked at a variety of magazines. This is to ensure some consistency and all the facilities are working on the same list of disapproved magazines.

Colleen Ambrose said the consistency is in what we are not allowing.

Religious Items Handout

DW Swanson passed out a list of what religious items will be allowed/not allowed. If we allow an item at one facility, we must allow the item at all the facilities. The handout is from the MSP groups to add items to personal property and communal property. This list was brought by the Wicans and the Oddinists. It was a very large list at first, but has been cut down. DW Swanson wanted to put the list out and see what everyone's thoughts were.

Colleen Ambrose asked if this was what the group from MSP is asking for. DW Swanson answered that if the list he passed out is approved for MSP, it would be approved for all facilities.

Pat Smith said if we are going to make changes, we should make sure if there are any other religious requests that would fall into the same parameter. Do we need to make this a yearly process in addition to the security updates for canteen and other property items?

DW Swanson said he does not want to do this at each meeting, but would like to resolve this item now.

Gayle Lambert said the RAC Coordinators should be involved. DW Swanson responded there are three or four people at the prison who meet to look at these issues. This should be done at all the facilities.

Warden Acton said she does not have a group like this at MWP. She did have someone practicing Islam and a Buddhist, but no one right now.

Pat Smith said the MSP RAC Coordinator is good at looking at what other states and the federal prisons are doing. Each facility could meet and pass their recommendations to him.

DW Swanson said we need to have a consistent process. Tom Wilson, the MSP RAC Coordinator, does a very good job.

Colleen Ambrose said if we have an inmate that comes in and has religious requests, we should really look at it.

Gayle Lambert asked if someone comes into intake and claims a religion we don't cover, is there something we can do for these inmates. DW Swanson said the policy covers this. Pat Smith said the policy addresses inmates at intake with their religious preference. If they change religions and we don't have the information on what is allowed for that religion, it would be referred to Tom Wilson to investigate.

Pat Smith said DW Swanson's initial proposal was to change these minor items listed on his handout. These items would be supplied by the canteen. The evergreen twig is a communal item and is provided by the RAC. DW Swanson's proposal was OK'd by all. It was agreed that MSP would work out all the security processes and how it is ordered and stored.

Grievance Review – Billie Reich

Billie introduced Kristy Cobban to the group. Kristy has been in her position at MSP for one year. She has been working at MSP for two years.

PIB 120611

The numbers for the Director's report are being put together. They are trying to run reports through OMIS. They are trying to make more of a presence at the facility to try and solve problems before they are grieved. This involves extra case management. The inmates need to use the grievance system. The majority of grievances come from inmates in Ad Seg, Max and RAS. These are inmates who do not have as much access to case managers. Only 2% of inmates actually file grievances.

Colleen Ambrose said the numbers we are being provided are just for MSP. What she found is the grievances are taken seriously. It is best to handle them at the informal level.

Warden Acton said Charlotte Dolezal at MWP is very good at explaining to inmates if they have a complaint, but it is not grievable, and then they work with the inmates.

DW Swanson said there are some valid issues brought up and these are the ones we need to look at to make things right for the inmates.

Billie Reich said they did not have a grievance conference this year. They will be doing site reviews at each facility. They are going to see if this is more productive.

Pat Smith said site reviews are good, but it is very good to bring everyone together. Everyone can talk and make sure we are all on the same page. There is a real value to both approaches. If he gets an issue he has not seen before, he sends the monitors out to look at what is going on. The grievance system is a good tool for all.

Roundtable Discussion on Inmate/Facility Issues – Feedback by All

DW Swanson – MSP

MSP is currently working on the visiting part of OMIS. They are making adjustments to the visiting policy - trying to get a centralized database for visiting. There has been a lot of activity in the facilities with identifying STGs.

Pat Smith – There has been a trial run at MSP for allowing inmate families to put money into inmate accounts via the MDOC website. MWP should be on-line on 1/15. Lena Havron has had some calls in the last few months regarding inmates who have transferred. We have to have everyone (facilities) in OMIS to get the visiting portion working. Then we have to decide who puts the entries in and updates the visiting program. Once we have this figured out, we can work on system-wide electronic deposits to inmate accounts.

Pat Smith said we will have a meeting to decide parameters and procedures. Who does what, how we track. It is not going to be very complicated. It will actually make it easier for the other facilities.

DW Swanson said we continue to spend a lot of staff time addressing issues brought up by inmates and inmate families, but a lot of it is inmates manipulating. We have to deal with facts. He does not have an easy answer for this problem.

Warden Acton - MWP

MWP has been able to maintain everything. They are having conversations with Kim Timm, Lena Havron and John so they can get the visiting list cleared up before implementation.

DW Paul is dealing with Emergency Preparedness today. They were invited to participate with Conoco with their drill. That is the biggest threat – the Conoco refinery. Control system bids have been completed and a company has been chosen.

They are hiring staff again as they lost a few. They should be at full staff at some point. They have not had to cancel any programs, but they are spread thin.

Gayle Lambert – MCE

Update on the MP3 Players – Installation is ongoing. They had a tough time getting the installers cleared for security purposes. As soon as the system is up and functioning, they will begin selling the players. The songs will be two dollars per song. The price is out of our control but is due to population sizes and associated costs. There have been lots of complaining about the cost. It is important to remind the inmates they don't have to include the cost of the computer or the internet. The inmates are not buying a CD and can purchase only one or two songs they want.

Books and magazines were already covered by DW Swanson.

Bill Dabney retired. They hired Ross Wagner into his position. He worked with Bill for about a year and a half before Bill retired.

They received two grants for programs at MWP. They are looking at grants for the men.

Drivers License/ID Cards – the birth certificate process is taking a long time. They had to get approved with the courthouse to have someone pick up the birth certificates. Leslie cannot lift the equipment, so she has to notify the facilities when she is coming to have someone help her.

Lena Havron/Kara Sperle – Budget

Sally Hillander wanted to let us know she got a thousand copies of the brochure for offender families. Lena is moving to another department. IWF requests that were sent to Lena should go to Kara Sperle for now.

Warden Frink – CCC

At the beginning of the month, they had their yearly disaster drill in Shelby. A few things were identified. They had the community involved. They went down and picked up a load of firewood at MSP to be used in the sweat lodge. The facility is getting ready for Christmas.

AW Handa – GFRP

Great Falls has begun using MSP Canteen. They got the scanner put in. It is going really well. The MP3's did not get installed yet. He asked if we have any idea how we are going to get power on the roof. Gayle Lambert did not know. She was unaware there was a problem. She will have Andrew Olcott contact Roger Handa.

Great Falls does not have an STG staff member. That position will be open for another month. They are currently short about six staff members.

LT. Grubb is looking into a music room. It is just an idea right now. They would like to add on hobby or pottery. Pat Smith said they should put together a proposal and bring it to this group as we all need to stay consistent and within policy. He should also work with Wayne Bye to achieve this.

DW Swanson said if we could help with the STG position, to let him know. AW Handa said after they get someone hired, they will contact DW Swanson.

Warden Green - DCCF

They are trying to get work done on the cameras and monitors. They had a couple STG validations and they continue to work on that. They are working with the installers on the music kiosk. They are also working on menu revisions. Last week, they hoped they settled union negotiations. They are waiting to be ratified.

Patrick Smith said that in regards to the MP3 players, the grandfather clause has been extended to June 1st because of the delays.

Director Ferriter said he appreciated the communications with this group. Some of the other states really struggle, so this is good.

Update on IWF Global Fund – Lena Havron

Handout

Lena has developed a to-do list for the global fund as previously discussed by this group. The main goal for today is to get a work group. IWF Policy 1.2.12 needs to be updated at the same time. Release assistance needs to be added into the policy. This work group needs community corrections staff involved since it deals with re-entry. The IPPO and the P&P Officers on the street are both involved. Legal should also be involved. This needs to be integrated with the current re-entry program. John Williams should be involved. Ed Foley would be a good candidate. Gayle Lambert asked if the Director should appoint a committee. The Director would like volunteers. Sam Casey and Steve Grubb volunteered. Warden Frink will find someone from his facility. Brenda Elias said most likely Colleen Ambrose will be involved from Legal. Lena said Adrian should also be involved. Dale Henrichs volunteered to participate for DCCF.

Pat Smith said it is very important to get this organized and taken care of quickly. We should have a goal date and bring something to the next PIB meeting. Pat volunteered to help this committee if needed. They will have a final draft before the next PIB meeting.

IWF Account Updates, Requests, Funding Reviews and New Business – Lena Havron/Kara Sperle

Handout

Lena would like everyone to take the handout back to the facilities and have your people verify the numbers. There has been the addition of the global fund to the handout. They are working through some problems at CCC to get them more consistent.

Requests

Warden Acton – MWP does not have any requests

Gay Lambert – MCE does not have any requests. The amount requested at the last meeting for the scanner was in error. The error was from the contractor. The money you get back will be less because the expenditure was higher than thought. The approved \$500 went to the purchase. The remainder was paid by the canteen.

DW Swanson – MSP does have a small IWF request. The New Directions/STEPS Program wants to start having the program available in Close 1 to see if they can impact the inmates. The request is for \$2500 for workbooks, the DVD set and manual. The intention is to see how it goes, and if it goes well, they will extend the program to more inmates.

Director Ferriter said he sees value in bringing the STEPS program to the inmates early on in their stay at the prison. Gayle Lambert said she has heard this from inmates wishing this program had been available earlier on.

Gayle Lambert moved to approve this request. AW Handa seconded the motion. All were in favor. None opposed.

Warden Frink – CCC does not have any requests. They are looking at the STEPS Program as well and may have a proposal at the next meeting.

AW Handa – GFRP does have a request. They would like to get electric and cable to the cells. They are the only facility that does not have electricity in the cells. The lowest proposal was for \$60,000 and the highest was \$80,500. DW Swanson said that when you look at system wide, we need to get this done. We did this at Glendive a couple years ago and the other facilities helped to fund this.

Pat Smith said at the regional prison in Great Falls, there are no outlets in the cells. There are 78 cells in Great Falls, with two inmates per cell. At all the other facilities, the inmates have outlets so they can plug in TV's. When the inmates would get moved to the facilities, this is a problem with all electrical items.

PIB 120611

DW Swanson moved to fund this request out of MSP's IWF Fund. Warden Acton seconded the motion. All were in favor. None opposed.

Pat Smith said Cascade will need to get with Gary Willems to ensure procurement requirements are being met and have inmate representatives sign the request and send it to Lena Havron.

Lena Havron is working with Great Falls to get a GED Program. She will talk to DW Swanson and AW Mihelich.

Director Ferriter said we do not offer a GED program in Great Falls and this is problematic. We are working towards getting this taken care of. Right now, we are taking the inmates out of Great Falls that need a GED and sending them somewhere where they can get it.

Warden Green – DCCF has no requests. Warden Green did say it was about \$70,000 to get the electrical outlets in his facility. The benefits have been great.

Public Comment Period

Valerie Close

Valerie read from a typed paper which had several media articles. This will be attached to the minutes.

Barbara Rose

I have a comment for Colleen Ambrose. It doesn't matter how many computers are available when they are only available for four hours a day.

Barbara read directly from a paper which will be attached to the minutes.

Sharon Close

Bobby Close is my son. I don't get to visit very often. We call ahead to make sure everything is okay because I am in a wheelchair. There was one incident that happened. Valerie brought her to visit with her. She made arrangements for a wheelchair because she is not allowed to bring her own wheelchair. I called twice to make sure there was a wheelchair. Doesn't get to go visit very often. We call ahead to make sure everything is okay because she is in a wheelchair. We were told we could not bring the wheelchair. Valerie was upset because because this was arranged. Valerie made a remark and was told she could not visit because the wheelchair was not available. The visiting officer came and told her he was going to make an incident report because of her comment. It was unnecessary. They did let her in and she was grateful. The visiting officer told her that he had to write a report.

Patrick Smith did receive a written comment. This comment will be attached to the minutes.

There were no other public comments. The public comment period is closed.

If anyone from the board wishes to respond, they can.

Director Ferriter said he was confused on the visiting policy rumor. There was discussion with other states. He went to Colorado about four years ago, but there are no current plans regarding video visiting. There is no current plan for video conferencing visits. There was some discussion for use at Pine Hills as part of re-entry plans.

The last portion of the meeting will be held in closed session pursuant to Montana Law. The Chairman has decided to hold the last portion of the meeting in executive session due to interests of individual privacy, or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if disclosure of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility.

Next meeting is scheduled for March 13th and will be at the Crossroads Correctional Facility in Shelby.